

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: McDonald et al.
Appl. No.	: 10/726,256
Filed	: December 2, 2003
For	: SUSPENSION PACKAGING ASSEMBLY
Examiner	: Jacob K. Ackun
Group Art Unit	: 3728

SUPPLEMENTAL DECLARATION PURSUANT TO 37 C.F.R. § 1.131

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Supplemental to the Declaration executed April 25, 2008, this declaration is submitted to provide additional evidence of an invention date of embodiments claimed in the above-captioned patent application prior to October 1, 1999, the filing date of U.S. Patent No. 6,311,843 B1 to Smith et al. ("Smith").

We, John McDonald, Myles Comerford and Frank Comerford, declare as follows:

1. We are the named inventors of the above-captioned patent application and are familiar with the prosecution of the application.

2. Attached as **Exhibit A** is another copy of the letter from William H. Shreve at Knobbe Martens Olson & Bear LLP dated May 28, 1999 submitted with our previous declaration. However, this copy has been partially unredacted so as to allow for further review of additional paragraphs included in this letter. Additionally, we note that the remaining redactions in Exhibit A, including pages 3-8 are simply irrelevant to the issues being addressed in this declaration and our response to the outstanding Office Action.

3. At page 8 of Exhibit A, there is a drawing of an embodiment that corresponds to the embodiment of Figure 8 of the above-identified application (U.S. Patent Application Serial No. 10/726256). The drawing at page 8 of Exhibit A shows the two frame members, each having

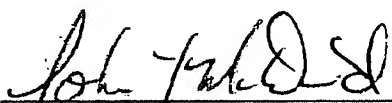
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free edges and encircled by retention sleeves, respectively. In the drawing of page 8 of Exhibit A, the two frame members are shown in an exploded and face-to-face orientation. However, our concept was that one of the frame members would be rotated 90 degrees (about a vertical axis as viewed in the drawing of page 10 of Exhibit A). This rotated orientation is clearly illustrated in Figure 8 of the present Application but Exhibit A simply did not include such a drawing.

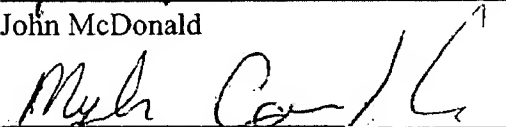
4. As noted in our previous declaration, we created a prototype of the embodiment of page 8 of Exhibit A, at least prior to October 1, 1999. That prototype included all of the features illustrated in Figure 8 of the present Application. We believe that the drawing of page 8 of Exhibit A corroborates our position.

3. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

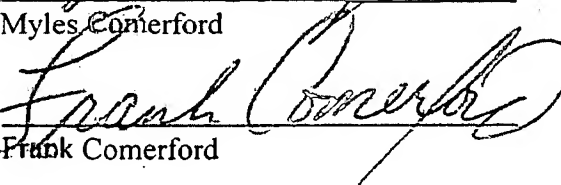
Dated: 12-19-08

By: 
John McDonald

Dated: 12-19-08

By: 
Myles Comerford

Dated: 12-19-08

By: 
Frank Comerford

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APPENDIX A

INTELLECTUAL PROPERTY LAW
KNOBBE, MARTENS, OLSON & BEAR

A LIMITED LIABILITY PARTNERSHIP INCLUDING
PROFESSIONAL CORPORATIONS

PATENT, TRADEMARK AND COPYRIGHT CAUSES

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May 28, 1999

VIA FACSIMILE

Stanley Schwartz, Esq.
Schwartz & Weinrieb
1109 Crystal Plaza, Building 1
2001 Jefferson Davis Highway
Arlington, Virginia 22202

Re: Patentability Search for Membrane Packaging
Our Reference No. FCMCCG.002A

Dear Stan:

Please conduct a patentability search for the invention described below. I would appreciate receiving the results of the search by the end of next week if possible.

The invention relates to an improved form of membrane packaging. By way of background information, I am enclosing a copy of a patent

REDACTED

An aspect of the present invention relates to an improved coupling between the frame structure and the pliable material. The pliable layer is formed with pockets into which a portion of the frame or substrate fit. I am enclosing a sketch of this feature (Figure 1) to aid you in understanding the invention.

Another aspect of the invention involves using a tubular piece of pliable material. In one mode, the material wraps around the frame or support structure (as seen in Figure 2) with the

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* A PROFESSIONAL CORPORATION
* ALSO MEMBER OF D.C. BAR
** ALSO BARRISTER AT LAW (U.K.)
** U.S. PATENT AGENT

KNOBBE, MARTENS, C OLLINS & BEAR

Stanley Schwartz, Esq.

May 28, 1999

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product positioned between two support structures. In another mode, tube of pliable material holds the product to the support structure (Figure 3). A heat shrinkable material can be used as the tubular material in both these modes.

Please direct your search to both of these aspects of the membrane packaging. In addition, if you identify other relevant background art, please also include such with the search results.

I look forward to receiving the search results as soon as possible. In the meantime, if you have any questions or comments regarding the invention, please call me at 949-721-2895.

Very truly yours,

A handwritten signature in cursive script that reads "Bill".

William H. Shreve

Enclosures

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United States Patent [19]

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U.S. Patent

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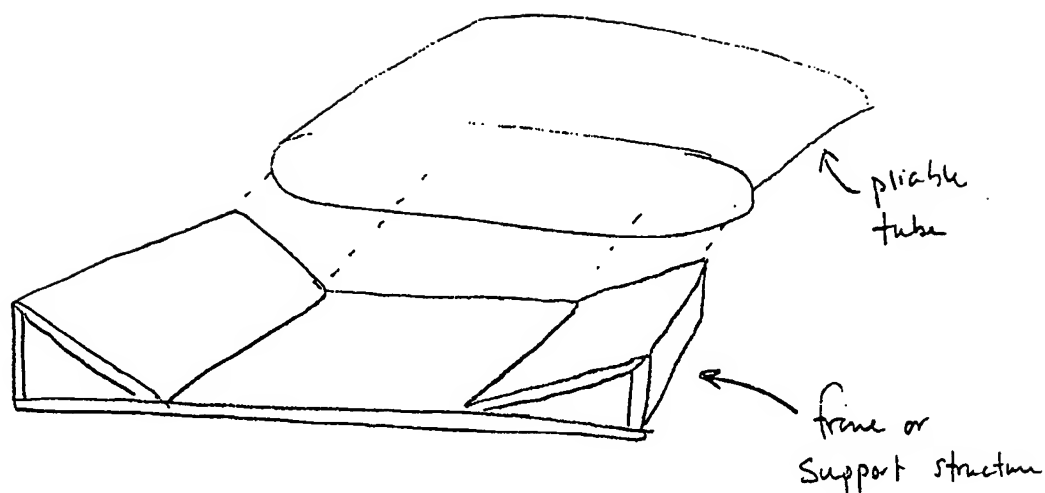
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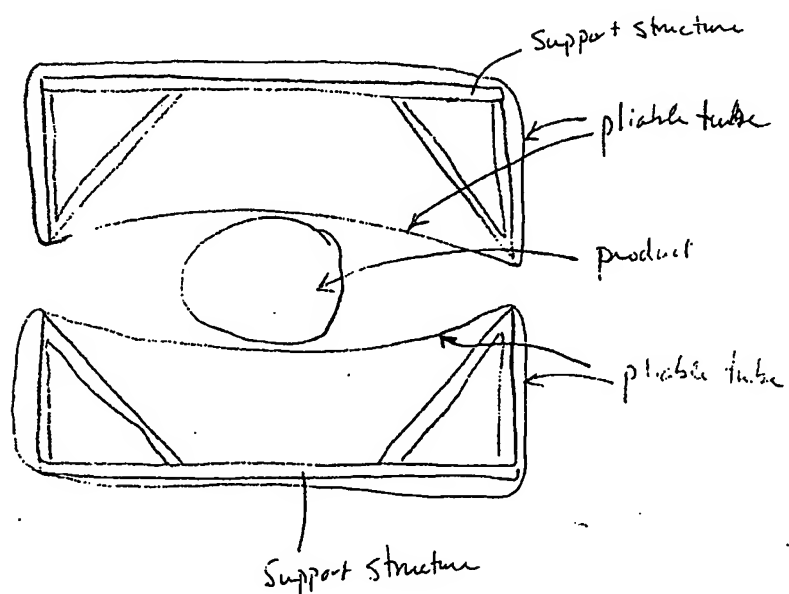
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Figure 1



(a) packaging components



(b) Assembly with product between two support structures

Figure 2

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Figure 3